



June 7, 1999

Ms. Susan Combs
Commissioner
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

OR99-1582

Dear Commissioner Combs:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123886.

The Department of Agriculture (the "department") received a request for "the list of cotton producers eligible to vote in the upcoming Southern High Plains/Caprock Boll Weevil Eradication Zone Referendum." You state that the information requested consists of an electronic list of cotton grower names, addresses, farm numbers, and cotton acreage provided to the department by the Farm Service Agency (the "FSA"), a division of the United States Department of Agriculture. You assert that the requested information is excepted from required public disclosure based on section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. You raise section 74.114(j) of the Agriculture Code. This provision reads as follows:

Individual voter information, including an individual's vote in a referendum or board election conducted under this section, is confidential and is not subject to disclosure under the open records law, Chapter 552, Government Code.

You state that the FSA provided the information at issue to the department for the purpose of creating ballots for a referendum to be conducted pursuant to chapter 74 of the Agriculture Code. You say that the names, address, farm numbers, and cotton acreage are necessary items of information for the distribution of ballots and evaluation of referendum results. We agree that the information at issue is "individual voter information" that is covered by section 74.114(j). We therefore conclude that the department must withhold the information from the requestor based on section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Kay H. Hastings".

Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/eaf

Ref: ID# 123886

Encl. Submitted documents

cc: Ms. Zane Reese
P.O. Box 40
Lorenzo, Texas 79343
(w/o enclosures)